Revenue (1926) Department.

Misc SERIES

G.O. No. 2080.

DATED 10.12.1926

[Despatch Abstract.]

Assignment - Land (South Kanara) - Road margin - Exercise of kumaki privileges - Draft circular - Approved.

Council office,

11-1-26.

Starred question.

Mr. K. Raghuchandra Ballal:

~~Mr. K. Raghuchandra Ballal:~~

~~xxxxxxxxxxxxxx~~

[illegible]

(572)

1. Will the Hon. the Member for Revenue be pleased to state:----

(a) whether the Government are aware that in South Kanara assignments of waste lands adjacent to public roads are limited to 22 yards from the road margin;

(b) whether it is a fact that formerly the rule was not applied in cases where the waste lands adjacent to such roads fell within the kumaki limits of ryotars; and

(c) whether it is a fact that of late under a circular issued by the Collector, the kumaki's 100 yards limit is cut short by the 22 yards of road margin?

K.S.M.

1520

Legislative Council Question No 186

Draft Answer

(a) No. Para 2 G.O.S.O. No 15 which applies to the whole Presidency including Kanara provides that when a road runs through the land dashtasted for a width of at least 22 yards (1 chain) should be set apart for the road

(b) &c, [illegible] information and has called for

3

Rev.

Dis. 473/26-1 S-17-2

Assignment - Land - (So Kanara.) Adjacent to Kumaki limits - Legis. Council question No 1961 1520

A copy of a legislative Council question which has been given by Mr. K. Raghuchandra Ballal and of the answer thereto is forwarded to the Collector of South Kanara for an early report through the Board of Revenue

13.2.26

13.2.26

Starred Question No.~~1861.~~ Will the Hon'ble the Member for Revenue be pleased to state -

(a) whether the Government are aware that in South Canara assignments of waste lands adjacent to public roads are limited to 22 yards from the road margin;

(b) whether it is a fact that formerly the rule was not applied in cases where the waste lands adjacent to such roads fell within the Kumuki limits of wargdars; and

(c) whether it is a fact that of late under a circular issued by the Collector, the Kumukidar's 100 yards limit is cut short by the 22 yards of road margin ?

Revenue Department

Answer.

(a), (b) and (c). The Government have no information have called for a report.

H. A. Wood
Secretary to Government.

To the Legislative Council Office.

Forwarded.
(By Order)

Superintendent.

(The above answer has been approved by the Hon'ble Mr. H. R. Marjoribanks, C.S.I.,C.I.E.,I.C.S.).

Assignments of waste lands adjoining public roads in South Kanara.

1520 Q.—Mr. K. RAGHUCHANDRA BALLAL: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether the Government are aware that in South Kanara assignments of waste lands adjacent to public roads are limited to 22 yards from the road margin;

(*b*) whether it is a fact that formerly the rule was not applied in cases where the waste lands adjacent to such roads fell within the kumaki limits of wargdars; and

(*c*) whether it is a fact that of late under a circular issued by the Collector the kumakidar's 100 yards limit is cut short by the 22 yards of road margin?

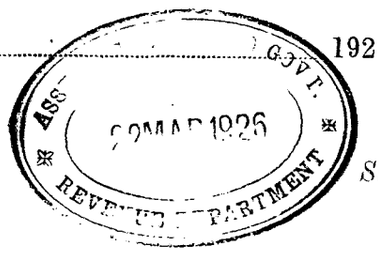
A.—(*a*), (*b*) & (*c*) The Government have no information and have called

6

REVENUE DEPARTMENT.

CURRENT No. Rev 1102. A

Received ..... 192 *Registered* 22.3.1926



Subject.

ASSIGNMENT LAND (South Kanara) - Road margin - Kumaki - Legislative Council question - Collector's report submitted to Government.

******

ENCLOSURES.
No. .....
.....
Spare copies .....

Routine No. 1447,

Station Madras. *Dated the* 19th March 1926. ~~192~~

From

W.SCOTT BROWN ESQ.,I.C.S.,
SECRETARY, Land Revenue and
~~The~~ Board of Revenue ~~Revenue~~ Settlement, ~~etc.~~
~~Separate Revenue.~~

M.R.Ry.Diwan Bahadur T.Raghaviah Pantulu Garu C.S.I.,
COMMISSIONER OF LAND REVENUE.

Resolution
~~Reference.~~

*****

Read the following paper:-

1 108+12 below Letter from G.W.Wells Esquire M.A.,I.C.S., Collector of South Kanara D.Dis.No.1607-26, dated 1st March 1926.

*****

RESOLUTION. 13 supra

Refce:- Government Memo. No. 473 A-26-1, dated 17-2-1926.

*****

Submitted to Government.

2. The local practice does not affect kumaki privileges but only assignments. B.S.O. 15(2) contemplates the reservation of a strip at least 1 chain in width for the road and its margin but the effect of the District practice

is to reserve 2 chains if there is kumaki on both sides of the road. Where the margin reserved is clearly excessive the Local Board would presumably raise no objection to the assignment of part of the reserved area.

(True Extract)

W Scott Bn 20/3

SECRETARY.

To the Secretary to Government, Revenue Department with the Collector's letter in original.

S.M. 19/3.

20/3

C F. 30—41,000—

8

REVENUE DEPARTMENT.

Received 4-MAR 1926 192. Registered B1217 192

BOARD OF REVENUE LAND REVENUE & SETTLEMENT

Subject. B051-2-1 & 102

Assignment - Land (South Kanara) - Adjacent to kumaki limits - Legislative Council Question No.1861 - Report ---- submitted.

Government memorandum No. 473-A/26-1 dated 17-2-1926.

ENCLOSURES.
No.
Spare copies

D.Dis. No. 1607-26.

Station Mangalore. , *Dated the* 1st March, 1926

From (Name) G. W. Wells, Esquire, M.A., I.C.S.,
(Designation) Collector of South Kanara.

To The Secretary to the Government of Madras,
REVENUE Department.
Madras.

Through
The Board of Revenue,
Land Revenue & Settlement,
Madras.

Sir,

Question (a) It is true that in this District ----- Assignments of waste lands adjacent to public roads are ------ generally limited to 22 yards from the centre of the road i.e. no assignments pf Government waste land within the 22 yards -- road margin are generally made unless the Local Fund --------- Department consents to such assignments or unless the said --- land contains long standing improvements of value. This is - in accordance with the instructions contained in para 2 of --- B.S.O. No.15 which lays down that when a road runs through --- the land darkhasted for a width of at least one chain should be set apart for the road and remainder dealt with under the

Questions (b) & (c). A copy of this office circular ---- R.Dis.5161-25 dated 22-7-1925 to which Mr. K. Raghuchandra ---- Ballal probably refers is enclosed. It contains the views of several Collectors on the question of reserving 22 yards road margin. It also shows that the kumakidar's 100 yards limit is not cut short by the 22 yards road margin, i.e. until the ----- portion of kumaki within the road margin is actually utilised for road purposes the kumakidar is permitted to exercise kumaki privileges over that portion also.

Your obedient servant;

Acwoodhouse

For Collector.

2.

21/3/26

Point (1). The Deputy Tahsildar's attention is drawn to the ---- following orders.

(1) Para 2 of the revised B.S.O.No.15 which lays down that when a road runs through the land darkhasted for a width of at least one chain should be set apart for the road and the remainder dealt with under the rules.

(2) This office circulars R.Dis.No.3129-21 dated 26-5-21, D.Dis. No.5080-21, dated 5-10-21 and R.Dis.No.1193-23, dated 23-2-23 under -- which a margin of 22 yards on either side from the centre of the -- road should be reserved in the case of all important village roads when lands are assigned on darkhast along such roads.

(3) (a) This office circular Dis.No.427 R. dated 30-8-13 which -- directs the lockspitting of the 22 yards margin in the case of all public roads running through assessed unoccupied waste and prohibit the assignment of lands within 22 yards of the road margin.

(b) Circular Dis.No.2035 D.Rev.dated 12-5-15 which directs that unless the kumaki has been walled in and the forest growth --- thereon conserved kumaki privileges should not be recognised within 22 yards from the road centre.

(c) Circular Dis.No.4943 D.Rev. dated 24-12-25 which lays dow that in cases where kumaki lands within the road margin have been - walled in and the forest growth thereon conserved, they cannot be - assigned as a matter of course and that when they are required for a public purpose such as a road, they should not be assigned without the permission of the Collector and without consulting the ---- Dt. Board Engineer.

(4) This office circular Dis.No.364 Rev, dated 14-10-16 based on this office Dis.No.231 R.Ver. dated 6-6-99 which directs that -- when a road runs through kumaki land it is not entitled to 22 yards margin at the expense of the kumakidar but only to the width of the road with side drains and avenues if any.

All the above circular orders are in accordance with para 2 of B.S.O.No.15 and the circulars quoted in items (3) & (4) allow kumaki privileges to the kumakidar over the kumaki portion within the road margin so long as it remains as Government assessed waste. The question raised therefore turns out to be whether when the

kumaki land is assigned the 22 yards road/margin is required ---- by the rules to be set apart. The decision of this question ---- mainly depends upon the legal status of kumaki which may be ----- described as follows:-

(1) Rule 7 A allowing the kumakidar special forest privileges over his kumaki is published as part of the rules under section 26 of the Madras Forest Act. This section occurs in Chapter III of the Forest Act which deals with lands at the disposal of ------- Government not included in Reserved forests. Hence it is clear - that kumaki land is at the disposal of Government.

(2) The Madras High Court has held (i) that kumaki right is not an easement but a right exercised over Government waste by ------- permission of Government and that the kumaki right does not ------ entitle the kumakidar to a decree for possession. I.L.R.16 Madras 304. (ii) that it is open to the Collector to grant kumaki to any person other than the kumakidar at his discretion I.L.R.12, Madras 422 followed in I.L.R.28 Madras at page 287 and (iii) that the --- plaintiff - (kumakidar) is not entitled to have 100 yards next --- his waste so that he may use the same and that according to the - custom of kumaki a wargdar is only entitled to 100 yards waste --- next to his warg so long as it remains waste. S.A.36/1886 ------- (unreported) followed in I.L.R.28 Madras pages 287 and 288.

(3) The Government have held that the use of kumaki lands is not enjoyed by landholders as of right but is a concession exercise over Government waste by permission of Government (G.O.No.513-Rev, dated 8-6-06 in B.P.217 L.R.& R.S., dated 15-6-06). It has also - held that kumaki land need not be acquired when it is required for public purposes (G.O.No.193 Railway, dated 25-1-04).

(4) Mr. Couchman as Collector has held that the order refusing to assign the kumaki land on darkhast to the kumakidar is only --- justified if the land is really required for a public purpose. --- Dis No.3664 D.Rev dated 11-11-12.

(5) Mr. Curgenven as acting Collector has held that the ------ fact that the land is kumaki, gives the kumakidar no absolute ---- right to have it assigned on patta but only a preferential claim - as against other applicants (Dis No.353 R.Rev, dated 16-9-15) ----

(6) Mr. Azizuddin as Collector has held that kumaki land which is too near to a reserved forest cannot be assigned on patta and that it shall remain as kumaki as heretofore Dis.No.2475 D.Rev dated ---- 9-8-09.

The above rulings show that when kumaki land is being assigned in the vicinity of a Local Fund road or an important village road under the darkhast rules, the kumaki portion lying within 22 yards road ---- margin should be left unassigned and that the exercise of kumaki ----- privileges over the said portion by the kumakidar should not be ------ interfered with so long as it remains as assessed Government waste.

Point (2) The Chief object of the 22 yards road margin is to --- make it available for widening the road when necessary. This object -- will be frustrated if the Local Fund Department in which the -------- poramboke road is vested is not consulted since its need which is for the public benefit is to preponderate over the need of a private ----- individual like the kumakidar. Mr. Ellis has ordered in this office -- circular D.Dis. 1812-20 dated 6-12-20 that kumaki lands within 100 yards of the Reserved Forest boundary cannot be assigned without ----- a reference to the Dt. Forest Officer. Kumaki lands within road ----- margins stand on the same footing. As the kumakidar cannot legally -- claim a patta for the kumaki land within the road margin it is ------- necessary that the Local Fund Department should be consulted from the point of view of public interest as to the assignment of the -------- encroachments on such kumaki lands.

Sd/ G. W. Wells,

22-7-25,

Collector.

2/. 126.

(True copy)

Revenue Dept

Dis. 473 A/26-3 Dt. 5-5-26

Assignment - Land -
(South Kanara) - Road margin -
Kumaki - Board's reference
Roc No. 1447-D19-3 26
submitting Collector's Dis
No. 1607 - 26 dated 1-3-1926

The Collector of South
Kanara is requested to send
urgently Copies of all
orders
~~records~~ referred to in his
circular R. Dis 5161-25 dated 22-7-1925
~~letter read above~~ including
~~his Circ~~ Dis. No 231 R. Ver.
dated 6.6.1899 on which
his Circular Dis. No. 364 Rev.
of 14.10.1916 is reported to
be based.

16.4.26

4.5.26.

REVENUE **DEPARTMENT.**

Rev. 1883-A

Received ..... 192 *Registered* 22.5. 1926

Subject.

Assignment - Land - (South Kanara) - Road margin - Kumaki.

Page 14 above

Government memorandum No.473 A-26-3, dated 6th May 1926.

ENCLOSURES.
No. .....
.....
Spare copies .....

D.Dis. No. 3878-26.

Station Mangalore, *Dated the* 15th May 1926.

From (Name) A. S. Panchapakesa Ayyar, Esq., M.A., I.C.S.,

(Designation) Collector of South Kanara.

To The Secretary to the Government of Madras,

Revenue Department.

Madras.

Sir.

The copies of orders noted below and referred to in Page 9-12 above this office circular R.Dis.No.5161-25 dated 22nd July 1925 are herewith submitted.

1. R.Dis. 3129-21. ✓ 26-5-21.
2. D.Dis. 5080-21. ✓ 5-10-21.
3. R.Dis. 1193-23. ✓ 23-2-23.
4. Dis.No. 427 R. ✓ 30-8-13.
5. Dis.No. 2035-D/Rev. ✓ 12-5-15.
6. Dis.No. 4943 D/Rev. ✓ 24-12-15.
7. Dis.No. 364 R/Rev. ✓ 14-10-16.
8. Dis.No. 231-R.Ver. ✓ 6-6-99.
9. Dis.No. 3664 D/Rev. ✓ 11-11-12.
10. Dis.No. 353 R/Rev. ✓ 16-9-15.
11. Dis.No. 2475 D/Rev. ✓ 9-8-09.
12. D.Dis. 1812-20. ✓ 6.12.20.

Your obedient servant,

Lattulis

For Collector.

M.D'S.17/5. 18/5/26.

Dis.231 R/~~Rev.~~ of 98.

South Kanara Collector's Office,
Mangalore, Dated 6th June, ~~1898.~~ 1899

From

The Collector of South Kanara.

To

The Forest Settlement Officer,

Malabar & South Kanara.

Sir,

With reference to your letter C.M.-o. 151/F.S. of 99 dated the 3rd May last, I have the honour to state as follows:-

Para 1. You have been misinformed by the ryot.- The circular on the subject No. 667 of 98 dated 16th June 1898 (a copy of which is herewith sent for your information) does not bear any such interpretation because it only applies when road passes through Government waste. It has no application where a road passes through warg land or kumaki.

Para 2. You have not quoted the number of the appeal referred to by you. It is probably No. 8/1898. The reasons ---- given in deciding that appeal were not those stated by you. A copy of the appeal decision is enclosed.

Para 4. In deciding claims of the sort referred to by the course seems clear. The wargdar can be allowed ----- kumaki for 100 yards from his warg and no more. If a road ~~happens~~ lie happens to ~~be~~ through the kumaki only the width of the road with side-drains and avenues of any can be allowed for road. It is not entitled to 22 yards margin at the expense of a kumakidar but only when it runs through Government waste. If the road were ~~nat~~ the extreme edge of a kumaki it would be entitled to a margin on one side at the expense of Government waste and not on the other side at the expense of kumaki.

Your obedient servant,
sd/ A.F. Pinhey
for Collector.

True copy

Tellus 19.5.26
for Collector.

DLO
19/5/26

~~29~~ 20

Proceedings of the Collector of South Kanara,

Dated 9th August 1909.

M.Aziz-ud-din Saheb Bahadur, Khan Bahadur.

Read Revenue Appeal No.66/1909 presented by Shridhara Bhat against the order of the Divisional ------- Officer, Puttur, dated 8th April 1909 confirming the order of the Deputy Tahsildar of Beltangady rejecting the ------- darkhast petition of appellant for certain plots in ----- Shibaje village.

Read the order appealed against; the Divisional Officer's report Dis.No.741-D/Rev/09, dated 1st July 1909 submitting remarks on the appeal petition.

Read the records of the case.

Heard M.R.Ry.Shesha Bhat Bhide-Vakil for appellant.

O r d e r: Dis.No.2475 D/Rev.of 1909.

The land cannot be assigned on pattah, being too near to a reserved forest; it shall remain as Kumaki - as heretofore.

(Order pronounced in the presence of appellant's Vakil)

Sd/M.Aziz-ud-din,
Collector.

True Copy

Sd/---- R. Rama Rao
For Collector.

To

The appellant with one enclosure.

Copy, with records, to the Divisional Officer, for information.

True Copy

19-5-26

For Collector.

H.D.U.18/5/26.

18-5-26

Dis No: 3664 D Rev/12 ~~38~~ 22

Proceedings of the Collector of South Kanara, Mangalore, dated 11th November 1912.

Present:-M. L. Couchman, Esq., I. C. S.,

Read Revenue appeal No.144/1912 presented by Krishna Hande of Kotathattu village, Udipi Taluk against the order of the Divisional Officer, Coondapoor Dis, No.595 D/ Revenue/12, dated 28th June 1912 reversing the Udipi Tahsildar's order assigning plot S.No.100/1B of Kotathattu village to him.

Read the order appealed against; the Divisional Officer's report Dis.No.1016 D/Rev/12, dated 15.9.1912 submitting remarks on the appeal petition; and the records of the case.

Heard Vakil M.R.Ry., Venkatesha Prabhu for the Respondent Nagappa Hegde.

The order of the Deputy Collector refusing to assign the land on darkhast to the kumakidar is only ------ justified if the land is really required for a public purpose. It does not appear that the Divisional Officer is certain of this. The case is remitted to him for ----- consideration of this point.

2 If unobjectionable from the public point of view, the Respondent can be permitted to occupy the shop site on the land within the 22 yards road margin.

3 The Divisional Officer should also consider if the appellant has or has not forfeited his right by not bringing Respondent's occupation to notice sooner.

Sd/M. L. Couchman,
Collector.

True Copy

Sd/-- A. Gopalan Nair.
For Collector.

True Copy

Jeffries
19.5.26.
For Collector.

18/5/26

To the appellant with one enclosure to his appeal returned. Copy to the Divisional Officer, Coondapoor, with the records received with his report Dis.No.1016 D/Rev/12, dated 15.9.'12 returned.

H.D.U.18/5/26

D.Dis.No.427 R/Rev.13.

Proceedings of the Collector of South Kanara, dated the 30th August 1913.

H. E. Couchman, Esquire, I.C.S.

Read this Office Reference on C.No.1188/Rev.13 dated 16th April 1913 to the Board of Revenue, regarding the ---- demarcation of roads.

Read the Board's Proceedings Mis.C.No.1819, dated 6th June 1913.

Read this Office II Ref.on C.No.1188/Rev.13, dated 7th July 1913.

Read the Board's reply Mis.No.2779, dated 23rd ----- August 1913.

******

The following steps will be taken:-

(1) Whenever public roads run through assessed unoccupied waste, the District Board Engineer will be asked to have the 22 yards line lock-spitted to show the true road ------ poramboke and encroachments on this might be dealt with as they occur by the Revenue Department.

(2) All Tahsildars should apply for transfer of road ------ poramboke to ayan when they exceed the 22 yards line, unless there are any exceptional reasons which make it advisable to retain it as road poramboke.

(3) All Revenue Officers will be warned not to assign land within 22 yards of the road centre.

Sd/ H. E. Couchman,
30-8-1913.
Collector.

True Copy.

(By Order) Zeffmulis
18.5.26

For Collector.
1875/26.

Dis.No.2035 D/Rev 15.

M.D. Couchman Esq., I.C.S.,

Collector of South Kanara.

Circular.

The following instructions are issued for the guidance of the Revenue Officers regarding the encroachment on road ------- porambokes.

2. The Local Fund Engineering Department need not be ------- consulted except in cases in which the Revenue Officers propose to entertain the encroachments. In the excepted cases, the ------ overseers should be consulted direct by the Tahsildars. The ----- Revenue Officers may, in any particular cases however ask for a personal inspection by the Dt.Board Engineer or his Assistant if they are not satisfied with the opinion of the overseers.

3. Unless the kumaki has been walled in and enclosed and the forest growth thereon conserved kumaki privileges should not be recognised within 22 yards from the centre of the road. Any ------ circulars to the contrary issued before this are hereby cancelled.

South Kanara Collector's Office, Bangalore, Dated 12-5-1915.

Sd/ M. D. Couchman,
Collector.

True copy

18.5.16

For Collector.

18/5/16

Dis No. 353R/15

Proceedings of the Collector of South Kanara, dated 6th September 1915.

Present:- A.J.Curgenven, Esquire., M.A., I.C.S.,

****

Read Revenue appeal No.65/1915 presented ----- by Nagappa son of Abbu against the order of the ~~Coendapor~~ coondapoor Divisional Officer, dated 8th May 1915 directing the assignment of S.Nos.88/A to the Respondent Ganapaya tantri and S.No.88/B to Respondent Sathybhama.

Read the order appealed against; the Divisional Officer's report D.Dis.G.C.2518 Rev. dated the 27th August 1915- submitting remarks on the appeal ------ petition

Read also the records of the case.

Heard: the appellant in person.

and M.R.Ry.K.L.Kuduva, B.A.B.L.Vakil for the Respondents.

****

O r d e r.

The original order of assignment having been passed in this case by the Sub Collector, Coondapoor, in modification of the Tahsildar's order directing the reservation of the land, these proceedings constitute an appeal against the Sub Collector's order.

2. The plots under reference are nos 88/A & 88/B, and they have been assigned to Respondents in so far as they ~~from~~ form Kumaki to their lands. The main objection to their ~~land~~ assignment is that they contain a number of water-course proceedings from the tank lying a short distance to the north east. The water courses, as the sketch shows conduct water not only to Respondents' but to other lands. The order appealed against no doubt makes provision for the reservation of water rights, but am not satisfied that this is so satisfactory an arrangement as the reservation of the land through ----- which they run. The Respondents urge their claim to the land as Kumaki and so indeed if the assignment ---

can

that it is their Kumaki gives them no absolute right to have it assigned on patta, only a preferential claim as against other applicants. I consider that the original order directing the reservation of the land is best calcula to safeguard the interests of persons (like the appellant, a washerman) resorting to the tank, and of those who are dependent on its water supply. I therefore cancel the assignments made to the Respondent.

Collector.

16.9.25

Copy granted to K.L.Kudva as per R.P.R.No. 708/10 on 7.10.

" to Nagappa as per R.A.N.726/15 on 2.10.15.

To the Appellant Nagappa with an endorsement to his tition returned through the Divisional Officer, Coondapoor e respondents Ganapaya Tantri and Subbyshana through the visional Officer Coondapoor.

Copy to the Divisional Officer, Coondapoor, with the records (2 files) received with his endorsement N.Dis. G.C.No.2518 dated 27-8-15 returned.

Dis.4943 Rev 15.

Proceedings of the Collector of South Kanara Mangalore, Dated 24th December, 1915.

E.S. Loyd, Esquire, I.C.S.

Read again this office Dis.No.427 R/Rev 13 dated 30-8-13. page 24 above

Page 26 above Also this office Dis No.2035/Rev 15 dated 12-5-1915.

Read Divisional Officer Mangalore's Ref on C.C.No.1706 Rev 15 dated 30-8-15 and Dt. Board Engineer's remarks thereon Dis.No.373/ D.E./15 dated 12-12-15.

Order.

In the 3rd para of this office order first read ~~where~~ above Divisional Officers were warned not to assign lands within 22 yards of the~~s~~ road centre and on the first para of th order the Dt.Board Engineer was asked to have the 22 yd whereever public roads run through assessed unoccupied w lock spitted to show the true road poramboke. In this o no obstruction was made between enclosed and unenclosed and the contentionse seems to have been to have the 22 y line demarcated everywhere ~~within~~ whether it runs through enclos kumaki or not.

2. The lock spitting has, the undersigned believes, be completed on all the important roads of the district but he not certain whether it has been carried through enclosed ----- kumakis in all cases.

3. In this office order second read above it was ordered that 'unless the kumaki has been walled in and the forest ----- growth therein conserved, kumaki privileges should not be ----- recognized within 22 yards from the centre of the road'.

The Divisional Officer, Mangalore now requests orders whether in such cases these lands may be assigned.

5. The undersigned agrees with the Dt.Board Engineer that it ~~was~~ does not follow that in the excepted case kumaki lands should be assigned as a matter of course. There must be many places where especially at important corners it would be

greata advantage to preserve for the road some portion of the kumaki even if walled in and as Government have the right of taking even kumaki without compensation when wanted for a public purpose-such lands should not be assigned without permission and without consulting the Dt.Board Engineer if thought ------- necessary by the Collector.

6. It is therefore ordered that every application for the --- assignment of kumaki within 2? yds of the centre of the road should be reported to this office for orders. Each case will be dealt with on its own merits and after consulting the Dt Board Engineer in cases where it seems desirable assignments will be permitted to be made where found unobjectionable.

Sd/ E.S. Loyd,
Collector.

True copy
19.5.26
For Collector.
(8/5/26.

To Divisional Officer, Bangalore.
Copy to other Divisional Officers, Tahsildar and Dy. Tahsildars.
Copy to Dt. Board Engineer.

Dis.364 R/Rev 16.

Proceedings of the Collector of South Kanara, Mangalore, Dated 14th October, 1916.

Lionel Vibert, Esq., I.C.S.

Read:- Futtur Divisional Officer's report Ref on C.C. 1817/Rev.16 dated 8-9-16 requesting orders as regards the assignment of the encroachment plot S.No. 183/1 of Veera Kamba and the modification of this office circulars Dis Nos.427 R dated 30-8-13 and Dis. 4943 D/24-12-15.

Read also this office circular Dis Nos.231 R/6-6-1899 427 R/30-8-13 and 2035 D/12-5-15 and the connected records.

The encroachment plot S.No.183/1 may be assigned to the encroacher. The occupation has been allowed for many years and objection to it is not now justified.

2. The Divisional Officer proposes the modification of circulars Dis.Nos.427 R/30-8-13 and 4943 D/24-12-15 to the extent (1) that if a road runs through kumaki land only the width of the road with side drains and avenues if any may be allowed for road and (2) that in all cases in which the Local Fund Department objects to the assignment of any land within the road margin the Tahsildars may be asked to inspect the place personally and report his views to the Divisional Officers.

3. The Divisional Officer's proposal as regards point 1 is approved as it is in accordance with the instructions contained in para 4 of this office letter Dis No.231 R Dated 6-6-1899 a copy of which is enclosed. These instructions should be followed in future. With regard to point (2) the circulars in question do not prohibit the Tahsildars from inspecting the encroachments and reporting their views to the Divisional Officers and do not therefore require any modification.

To the Divisional Officers with enclosures returned.

Copy to other Divisional Officers-

Do to the Tahsildars and Dy. Tahsildars.

Do To Presidents of the Taluk Boards.

J.S. 18-5-26.

D.Dis.No.1812/20-V.2.

Proceedings of the Collector of South Kanara, Dated 6-12-1920.

****

Rai Bahadur U. ~~Manda~~ Rama Rao, Avargal, B. A.,

****

Read (1) Coondapoor Tahsildar's report C.No. 2400/sup.20 dated 8th November 1920 received with Mangalore North District Forest Officer's endorsement -- N.Dis.C.No.1810/F.20dated 23rd November 1920.

(2) This office D.Dis.No.1416/25V.2 ~~and~~ and 98 R/Rev/20, dated 28th June 1920.

****

This office Dis.No.98R/Rev/20 dated 28th June 1920 relates to both Kumaki and unreserved lands. The Tahsildar is therefore informed that Kumaki lands lying within 100 yards of the Forest boundaries cannot be granted on darkhast without a reference to the District Forest Officer.

Sd/--- P. K. Nambiar

For Collector.

To the Tahsildar of Coondapoor.

Copy to Divisional Officers other Tahsildars Deputy Tahsildars and District Forest Officers.

True Copy

19.5.26

For Collector.

H.D.U.18/5.26. 18/5/26

C.No.3129-21-V6.

R. H. Ellis, Esquire, I.C.S.,
Collector of South Kanara.

****

Circular.

All Tahsildars and Deputy Tahsildars are requested to see that in assigning land along lanes or small roads, even if not maintained by a Taluk Board, within towns or important villages, a margin of 10 yards should always be reserved. Neglect to reserve such a margin has resulted in narrow and --- congested lanes which cannot now be widened without costly ---- acquisition proceedings.

Sd/ P. K. Nambiar,
For Collector.
26-5-1921.

/True Copy /

Zeffrulla
18.5.26.
For Collector.

18/5/26

To all Tahsildars and Deputy Tahsildars.
Copies to Divisional officers.

M.D'S.17/5.

40

D.Dis.No.5080-21-V5.

R. H. Ellis, Esquire, I.C.S.,
Collector of South Kanara.

****

Circular.

All Tahsildars and Deputy Tahsildars are directed to see that a road-margin of 22 yards on either sides, from the centre of the road is reserved in the case of all important village roads, when lands are assigned on darkhast along such village roads, so that it may be useful for widening the ---- roads when necessary and for removing road materials for ---- repairing the roads.

Sd/ P. K. Nambiar,
For Collector.
5-10-1921.

/True Copy.

Zaffulla
18.5.22
For Collector.

To all Tahsildars and Deputy Tahsildars.
Copy to Divisional officers.

1895/26.

M.D'S.17/5.

R.Dis.No.1193-23-V6.

M.R.Ry. S. N. V. Rajachar, Avl.,

Collector of South Kanara.

****

Circular.

In modification of this office circular R.Dis.5619-22-V7 dated 2nd November 1922, all Tahsildars and Deputy Tahsildars are informed that a margin of 22 yards on either side from the centre of the road should be reserved only in the case of all important village roads when lands are assigned on darkhast ---- along such village roads so that it may be useful for widening the same when necessary. The reserved portion should be ------ separately subdivided and transferred to Poramboke road margin to avoid all future disputes and troubles. Lands containing mamool foot paths may be assigned subject to the reservation of the mamool right of way, but such foot paths should be shown in the sketch as details.

Sd/ S.N.V. Rajachar
23-2-1923,
Collector.

/True Copy/

Copy to Presidents, Taluk Boards.

Copy to Divisional Officers.

For Collector.
18-5-26

18/5/26.

I.D'S.17/5.

44

Rev.

Assignment - Land (Sea Kanara) Road margin Recognition of Kumaki prove Instructions - Issued

Refee Letters from the Colr. South Kanara Dois 1604 - 26 1.3.26 & Dois 3878 - 26 of 15.5.26

pp 8-9 & p 16 ci.

17/26

Our no. 473 A/26-1 of 2-7-26

The Govt. Orders from the several district circular issued by the Collectors of South Kanara, in the past, on the subject of assignment of waste lands adjacent to public roads within Kumaki limits of Wargdars, that the limits to the claims of Kumakidars to the assignment of and the exercise of privilege over the portions within the prescribed road margin have not been clearly defined. The Collector of South Kanara is therefore requested to draw up a circular clearly setting out

pp 18-42 ci.

the policy towards Kutiatik and
submit it, at an early date, to
you through the Board of Rev
for approval.

[illegible]

[illegible] JUL 1926

CM
3.7.26

To The Coll of South K

Copy to the Board of R
& Settl) with reference to
Rc no 1447 of 19.3.26.

46

REVENUE DEPARTMENT.

CURRENT No. 3526A

Received 18 SEP 1926 192 . Registered 21.9.26 192

ASST. SECRETARIAT GOVT. REVENUE DEPARTMENT

Subject.

Assignment - Lan.. (South Kanara) Road Margin - Recognition of Kumaki privileges - Collector's draft circular - Submitted to Government.

ENCLOSURES.
No.
Spare copies

Routine No. 4621

Station Madras. *Dated the* 15th September, 26. ~~192~~

From W. Scott Brown Esq., I.C.S.,
Secretary.
~~The~~ Board of Revenue

Land Revenue and Revenue Settlement, etc. Separate Revenue.

Resolution
~~Reference.~~

P. L. Moore Esq., C.I.E., I.C.S,
Commissioner of Land Revenue.

--x--

Read the following:--

Letter from G. W. Wells, Esq., M.A., I.C.S., Collector of South Kanara Reference No. 5486/26-A-6, dated the 25th July, 1926.

RESOLUTION:-

Reference:- Government Memorandum No. 473-A-26-I, dated 2nd July, 1926.

The Collector's draft circular together with a revised draft prepared by the Board is submitted to Government.

2. On the question of the width to be reserved on either side of the centre of the road, the Board invites the attention of Government to its remarks contained in para 4 of its Reference No. B. 3025-26-I, dated 9th August, 1926 to Government in the Local Self Government Department a copy of which is enclosed.

(True Extract)

W Scott Bm 16/9

Secretary.

To the Secretary to Government, Revenue Department with the Collector's letter, and its enclosure in original, a copy of the Board's Reference B.3025-26-I, dated 9-8-26 and a draft ~~enclosure~~ Circular.

S..M.R.16/9.

C F 30—41,000—8-9-24.

478

REVENUE DEPARTMENT.

Received BOARD OF REVENUE LAND REVENUE & SETTLEMENT 29 JUL. 1926 192 Registered B 3863 192

Subject.

Assignment - Land - (South Kanara) - Road margin Recognition of kumaki privileges - draft circular submitt

Government Memorandum No.473 A/26-1, dated 2nd Ju 1926.

ENCLOSURES.
No.
Spare copies

Ref. No. 5486-26-A6.

Station Mangalore, Dated the 25th July 1926.

From (Name) G. W. Wells, Esquire, M.A., I.C.S.,

(Designation) Collector of South Kanara.

To The Secretary to the Government of Madras,

Revenue Department.

Through the Secretary to the Board, Land Revenue & Settlement, Madras.

Sir,

A draft circular is submitted as directed.

Your obedient servant,

For Collector.

M.D'S.27/7.

27/7/26

****

Circular.

Assignment - Land - (Road margins) - Recognition of kumaki privileges - Instructions issued.

****

In supercession of all previous orders on the subject the following instructions are issued for the guidance of Revenue ---- officers while dealing with kumaki lands lying (within 22 yards of the road-margin) adjacent to roads.

2. When a road passes through kumaki land a (margin of ----- 22 yards on both the sides of the road) should always be reserved when the kumaki land along such road is assigned on darkhast. So long as the kumaki portion within (22 yards road margin) remains as Government assessed waste, kumaki privileges over the said ---- portion can be enjoyed by the kumakidar until the said portion --- of kumaki is actually utilised for road purposes. When such ---- lands are walled in and the forest growth thereon is conserved --- they cannot be assigned as a matter of course if they are required for a road as the kumakidar has no absolute right to have them --- assigned on patta and they should not be assigned without the ---- permission of the Collector and without consulting the Local ----- Boards concerned.

3. The Chief object of the (22 yards road margin) is to make it available for widening the road when necessary. This object will be frustrated if the Local Fund Department in which the ----- roads are vested is not consulted, since its need which is for the public benefit is to preponderate over the need of a private ----- individual like the kumakidar. As the kumakidar cannot legally claim a patta for the kumaki land it is necessary that the Local Fund Department should be consulted from the point of view of ---- public interest, as to whether an encroachment on kumaki land within (22 yards road margin) should be assigned.

South Kanara Collector's office, Mangalore, 26th July 1926.

Sd/ G. W. Wells,
Collector.

True Copy.

(By Order)

Huzur Sheristedar.

To all Tahsildars.

Copy of Board's Reference B. 3025/26-I, dated 9-8-26.

Read the following:-

~~Board's Reference B. No. 3025-26.~~

Letter from Lt. W. Wells Esq. M.A.I.C.S. Collector of South Kanara. D.D. No 4262 of 26, dt 12-6-1926

LOCAL FUNDS - Roads - (South Kanara) - Road margins - Claim of the District Board President.

Submitted to Government.

2. Para 3 of the Collector's letter:-

The Collector is apparently of opinion that land beyond the 22 yards road margin even if it forms part of a survey field or subdivision registered as road poramboke is under the control of the Revenue Department, and that encroachments thereon should be dealt with by that department. So long as a survey field or sub division is registered as road it is impossible in view of the wide definition of public road in Section 3 (18) of the Local Boards Act to negative the claim of a local board to the whole extent of the ~~filed~~ field or sub division until any part which is regarded as unnecessary is excluded from the control of the Local Board, and resumed by Government.

3. Para 4 of the Collector's letter:-

The Collector proposes to alienate to the Local Boards under Board's Standing Order 24 - road margins forming portions of unassigned Government land. In the Board's opinion Standing Order No. 24 is intended to apply only to alienation of a definite plot for a specific purpose, and not to such wholesale transfer of assessed waste to road poramboke. The answer to the request made by the President, District Board at the end of para 4 of his letter is that no steps can be taken to carve out road margins in assessed wastes, and that a margin will be formed and vest in the Local Board only when there is an assignment on darkhast of the assessed waste adjoining the road. Till that occurs the Local Board can excavate pits for earth etc., for road repairs; but has no vested rights apart from that and no jurisdiction over encroachments. After a darkhast, and consequent transfer of the

the margin to road poramboke, a local board will have the rights it has at present over road porambokes.

4. Para 5:-

Under Board's Standing Order 15(2) application is put in for a piece of assessed waste adjoining a road, which has no margin on that side, the land should only be assigned to the darkhastdar up to a line parallel to and half a chain distant from the middle line of the road. Emphasis is laid on the width of the margin as thePresident, District Board and the Collector both appear to contemplate a width of one chain on either side of the road which is not only excessive in any ordinary circumstances but not in accordance with the Board's Standing Order as revised. The fact of assignment to the darkhastdar of the portion outside that area renders him liable to pay subdivision fees. The margin inside that area will automatically be transferred to the Local Board; and it appears to be unnecessary to levy a sub-division fee from the Local Board also.

5. Subject to these remarks, the Board concurs generally in the observations of the Collector on the President's letter.

To the Secretary to Government, Local Self Government Department
Copy to the Collector of South Kanara.

Law Dept. III-8—4,000—1-12-24.

QUESTION.—No. 1861 for the next meeting of the Legislative Council to be held on the ~~192~~.

(610)

SUBMITTED that two copies of this Question may be forwarded to the Revenue Department.

The Question has been admitted.

5.2.26

ASST. GOVT. REVENUE DEPARTMENT 7-FEB 1926

U.O. No. 318-3 dated 5. 2. 26.

To

The Revenue Department.

Rev. Deptt

To rvs.

Please see legislative council Question in the C.J. It is starred.

2. Clause (a) of the question

Para 10 of old B.S.O. no 15 provided that when a road passed through the land darkhast for, the extent required at a maximum width of two chains should be deducted When the standing order was recast in

1921, this ~~provision~~ was altered so as to provide for a minimum width of one chain. Vide portion marked at page 7 of notes to Go no 2815 Rev dated 16-12-1921 + last sub-para of para 2 of revised Standing order no 15. This rule is general and applies to S. Kanara also — para 40 of (revised) L.B.S.O. no 15-

3. clauses (b) + (c) of the question

~~to dodge~~ There is no information ~~proposals submitted for approval~~

~~DD~~ ~~16.2.26~~ For a definition of kumaki privilege please see para 2 of the note at pages 17-18 of Go ms no 213 Rev dy 8-2-26 ~~under Rule (b) of the duties entrusted~~ Vide other Collector from para (3) of Mr Wells' note at page 8 of the Go it will be seen that an extent of 100 yards is not always available for the exercise of kumaki privileges for one reason or another. For orders whether a report should be called on these clauses

4. A draft answer is sub'd for approval. It may be sent to Dev no for DD acceptance

though very unlikely. that there is a district rule ordering a margin of one chain to be left on ~~road~~ [illegible] on each side of the road. The whole question may be answered as no information as the advisability of calling for a report considered

A
181
2
S.

The B.S.O. provides for a total width of 22 yards being left for the road there is no provision for any particular amount being left for Road margin or beyond the road margin

A to
102
C2

the point is the restriction of the Kumasi Municipal Refuse shown by
12/2

To Under Secy,

Please see Revenue notes on page 3 supra. The drafts below may be perused and the file returned to Revenue.

5-2-26.

15-2-26

16.2.26

Revenue - u.o.

Rev. Dept.

To us:

The draft answer memo may issue.

17/2

19/2/26

To Under Secy.

Extracts of the Q^n and answer from the Proc^gs of the L.C Proc^gs. of 4-3-26 have been added at page 5 c.7. Final Order of the Proc^gs may be awaited.

2/. to for the report called for, a reminder is sent for on 17-4-26 if two months

16.3.26

after the date of the memo

19/2/26

5 80

Pos 6-7 C 7 [C No. 1102 A/71 From the Board of Rev. & I.P.
Rec'd. No. 1647 & 1 Enc. 3.

To Under Secy

Please see the Boards Resolution and the Collrs report at Pos 6-12 C7. It does not seem necessary to give this information unless the M. of C. asks again. Subsd. the final Order of the L.C. proceedings may be awaited meanwhile the file may be sent to Rev. and L.S.G. for perusal. No action seems necessary

27.3.26

199
27.3.26

29/3
S.

Please state

(1) What "kuriki" is. (I want to make sure that the Office understands)

(2) What rights - i.e. actual rights - to be given to each party of the question.

(3) What title is now actually in force in S. Kanara (The Letter of Wells is by no means clear. Circular at Point (1)(1) seems to contradict that at Point (1)(4) but the latter does not seem to have been cancelled).

30.3.

for a definition of kumaki privileges please see Rule 7. A. of the Rules under Section 26 of the Madras Forest Act which is extracted at pages 17-18 of G.O. (MS) No. 213 Rev dated 8-2-1926. Kumaki ~~privilege vis the frontage occupied land is~~ ~~taxed~~ Govt waste land within 100 yds of certain private holdings in the S. Kanara Dt over which the owners of the holdings enjoys free of charge certain privileges in the way of grazing cattle, cutting, converting, collecting and removing bies, timber and other forest produce subject to certain conditions. Kumaki is a privilege and not a right. Vide 2nd sub para of para 24 at page 144 of G.O. No 757 Rev dated 25-8-1902.

2. Para (2) of Secy's note

The question has already been answered in Council Vide page 5 C.D. No answer has to be prepared unless a further question is asked on the subject. The following would appear to be the answers to the several clauses of the question :—

" (a) Assignments of waste lands adjacent to public roads in the S. Kanara Dt are generally limited to 22 yards from the centre of the road unless the Local Board consents to such assignments or unless the land contains long-standing improvements of value This is generally in accordance with the instructions in para 2 of B.S.O No 15 which requires a width of <u>at least</u> one chain to be set apart for roads

There were no clear orders prior to 1925

under a circular issued by the Collector in 1925 the order cited in clause (a) above applies also to assignment of Kumaki land adjoining public roads but the exercise of Kumaki privileges over such land is not interfered with

3. Para (3) of Secy's note at page 6 above

As observed by Secy the Collr's memo is not free from contradictions but from portions marked at page 12 C.2 the suggested answer below para (C) at p. 7 above would seem to represent the order actually in force now.

For an actual G.O

1913 / 3491 definition of kumiaks please see para 2 of G.O 1190 d. 30.12.02, which was in the file not flagged or is not referred to above The circulars quoted by the Collector are certainly conflicting & they seem to have been left uncancelled. For example 3 (b) does not recognise kumiaki unless walled in & conserved, whereas (4) says that the road is not entitled to 22 yds. margin at the expense of the kumakidar. 3 (b) appears to refer to kumiaki in reserved forests, & this may account for the apparent difference

(X) Quite so. The Suptt could have answered my query in 3 lines instead of wasting nearly a page in giving an answer off the ground

m. to.

U.S.

The Soviet has made no real attempt to answer the actual questions of the U.N.C. which has wasted time writing useless notes. Question of default entirely not mentioned. How long has he been acting. It seems to be impossible to accept anything & written lightly without detailed verification. The position is impossible if U.S. is now to check the details of a Soviet visit

H.M. 26.

[G. No. 1883 A/26. — D. Dis. 3878-26 dt. 15.5.26

— from the Collector of S. Kanara J.

To. W.S

The Collector has sent copies of the orders issued on the subject. They show that the circulars have undergone changes at different times

2. The earliest circular received from the Collector is the one issued in 1899. It laid do that a road was not enatled to the prescribed 22 yards margin at the expense of a kumeki dar and that if a road happened to pass through the kumeki, only the width of the road with side drains & avenues, if any, could be allowed for it. [This circular refers to another issued on 16.6.1898 but no copy of it has been received. J.

3. In 1913-16, the concession granted in fav of the kumakidar was withdrawn by the then Collector (Mr Vachman). In 1913 he issued a circular instructing the D.B.E. to have the 22 yards line lockspitted to show the true ~~marg~~ road poramboke and directing that encroachments on it might be dealt with as they occurred by the Revenue Dept. This circular was of general appln -cation & made no exception in the case of kumeki lands. This was followed in 1915 by another circular re the treatment of margin generally & encroachments within the 22 yards in kumeki lands

in particular. In the latter case, it ordered that kemuki privileges should not recognised within the 22 yards margin unless the kemaki had been enclosed & the forest growth thereon was conserved. Later on a question arose whether the lands so enclosed & conserved could be assigned, & it was ordered that even such lands should not be assigned as a matter of course, and that each case should be reported to the Collector for order

4. In 1916, Mr Vibert modified these orders & reverted to the old policy of 1899. He directed that the instructions in the old circular of 1899 should be followed in future

5. In 1921, Mr Ellis issued a circular that a road margin of 22 yards should be reserved in the case of all important village roads when lands where assigned along such roads. The circular makes no mention of the previous orders & contains no reservation in respect of kemaks lands nor does it make it clear whether kemuki privileges can be enjoyed in respect of the lands ordered to be so reserved as road margin.

6. In 1922 another circular appears to have been issued, but no copy of it has been received. This circular, however, was modified by another issued in 1923 by Mr S. N V. Rajack

it directed the reservation of 22 yards margin only in the case of important roads. ~~(which to be assigned along such roads)~~ and it further ordered that the reserved portion should be separately subdivided transferred as paramb road margin. It is not stated whether after such transfer to pramboke, kanuki rights could be exercised on such road margin.

7. The last circular issued was in 1925. It ~~inter alia~~ recites the several circulars issued (superseded + not sup--ed), + states that the circulars + rulings show that the kumeki portion lying within 22 yards of road margin should be left unassigned, but that the exercise of kumeki privileges would not be interfered with so long as the road margin remained ~~remained~~ as assessed waste. ~~+ is not actually obtained~~

8. The M. L. C's question differs only to the assignment of kumeki lands + not to the restriction of kumeki privileges on the road margin. So far as the question of assignment is concerned there has been no departure ~~from the rule not ordinarily — even in the circulars~~ from

Road margin

9. Regarding the exercise of kumeki privileges the circulars are conflicting As already stated the concessions granted in the circular of 1899 were modified by Mr Vachmen, who allowed the exercise of privileges only over the lands enclosed & conserved. In 1916, the old order of 1899 was reintroduced, but the later orders of 1921-23 directed the transfer of such margins to poramboke without clearly stating the effect of such transfer on kumeki privileges The ~~last~~ last order of 1925 allowed the exercise of privileges, so long as the road margins remained as assessed waste; but as according to the previous circular of 1923, such road margins had to be transfer to poramboke at the time of assignment & could not be retained as assessed waste, it could not have been of much benefit to the kumekkarars The Collector says that the circular permitted the exercise of privilege so long as the portions within the road margin were not actually utilised for road purposes but the wording (as stated above does not appear to warrant such a wide interpretation

10 As some of the circulars are conflicting

ambiguous the Collector may be ordered at page 8 N.F be asked to issue in their place a revised ~~Stan~~ Dt order limits to the ~~emoody~~ clearly setting forth the claims ~~t.lanchetcas~~ of kumekedars to the assignmen of, + the exercise of ~~his~~ privileges over the portions within the prescribed Road margin

EP.
7/6/26

There is no guarantee that even a G.O. issued by the present Collector will not be changed by succeeding Collectors according to their own ideas, in the same way that these contradicto Circulars have been issued in the past A Govt. order on the subject appears necessary. Suggest that the Collr may be asked to draw up a circular clearly setting out the policy towards kumaki & to submit it to Govt. through the Bod. for approval.

To U.S

The draft circular as revised by the Board is put up below. for ready reference

2. Assignment

The draft circular provides that no lands within the prescribed road margins are to be assigned (although they are walled in forest growth thereon conserved) ~~and that upon waste lands with roads passing through them are assigned~~ unless on consultation with the L. F. Dept it is found they are not required for road purposes It also directs that when kumeki lands with roads passing through or adjoining them are assigned a minimum width of half a chain on either side from the middle line of the road should be reserved for the road & transferred to the local boards

This portion of the circular is in accordance with revised S.O 15 (2) which provides that a width of one chain should be set apart in ~~such cases~~ of the road running through the land, & the portions so set apart should be shown in the accounts as road poramboke In view of this general provision in S.O N° 15, it ~~seems~~ is submitted for consideration whether a fresh order on the subject is necessary. ~~whether it would not~~ It would perhaps be sufficient if the Collector merely draws the attention of his subordinates to the fact

that S.O 15 (2) applies to all lands including Kumeki lands, and that its provisions should be strictly complied with.

Make the circular be self contained

Once the site is registered as road pramboke, it will have to be excluded from the operation of the Municipal or the Local Boards Act before it can be assigned. The L.F. Dept will therefore be consulted in the usual course concerning such assignment. No specific assurances on the subject as suggested in the circular appear to be necessary.

No harm in what is in the circular

3. Exercise of Kumeki privileges

The draft circular provides that the Kumeki privileges may continue to be enjoyed unless or until the area is actually utilised for road purposes.

~~Once~~ This may lead to ~~actual~~ difficulties

and the Govt is not bound to continue or provide for the continuance of such privileges even after their control over the land passed away If approved, it may merely be mentioned in the new circular (as stated in the one issued in 1925) that the exercise of the privileges will not ordinarily be interfered with so long as the lands remain as Govt assessed waste

EP
11/10/26

Para 2. I doubt whether a ref. to the B.S.O. will have the desired effect in achieving a uniform policy for dealing with these specialised lands & an order complete in itself as proposed by the Bd will I submit be preferable.

Quite so [illegible]

Para 3. Suptt's proposal may be accepted.

Redraft accordingly Rd S.

TO U.S

A revised draft circular is submitted for approval.

2. Para 3 of the Board's draft merely repeats (with some explanatory remarks) the orders in para 2 It ~~is for~~ appears to be redundant. It for orders whether it should also be embodied If it is ordered to be embodied, it will be added on the revised draft. It is explanatory & may be embodied.

EP
14/10/26

Agreed

Please see who from p 14-17
Draft circular for approval.
have altered paras 1 + 2 of the Board's
draft w.r.t. the notes. The paras
as proposed by the Board are at
p. 2. of the draft circular with a
line through them..
The Board may be told that
Govt approves the circular as
amended that it should
issue it.

A. Will atmt encroachments?

MH
13/1

~~14~~

72

To U.S

A dreft order is submitted for approval.

EP
26/11/26

(8)
29/11
S

Why is it not published in the district Gazette?

30.11.26

To U.S.

Under B.S.O 171, all orders of collectors which are of permanent value especially circulars applying to all taluks should be printed on separete sheets of the District Gazette As the circular in this case is an imporrent one ~~deposing the kumaki rights~~ concerning the limits to the exercise of kumaki rights, its publication in the Dt Gazette was suggested.

2/12/26

EP
1/12/26

S

Issue - as advised

6

Scott. 71-5 (δ)—25,000—25-11-25. (6)

Revenue DEPARTMENT.

	Date.	Initials.
When received for Fair-copying.		
When copied ..	6.12	
When examined ..		
When signed ..		
When despatched ..		

READ AGAIN G.O. No. ....., dated 192

" " " " ..... " 192

READ ALSO:—

C. No. 473A/26 From the Board of Revenue Rout; No. 1447, dated 19. 3. 1926

" " ..... " " Govt Memorandum N° " 473A/26 " 2. 7. 1926

" " ..... " " Board of Revenue " 4621 " 15. 9. 1926.

ORDER. Misc. No. 2080, dated 6—12—1926.

Recorded with draft CRC 4/12/26.

The draft circular which has been submitted by the Board of Revenue is approved subject to the amendments made by the Govt. A copy of the amended circular is attached to this order. The Board of Revenue is requested to instruct the Collector to issue it as a District circular and to have it published in the District Gazette as sanctioned in B.S.O. No 171 dt 29/11

7 DEC 1926

EP 26/11/26

To the Board of Revenue (L R + S) with a copy of the amended circular.

Draft circular as revised.

Assignment - Land (South Kanara) - Roads and road margins - Kumaki privileges.

In supersession of all previous orders on the subject, the following instructions are issued for the guidance of revenue officers when dealing with kumaki land (waste land within kumaki limits of wargdars) lying adjacent to a road or through which a road passes.

2. When waste land within the kumaki limits of a wargdar is assigned on darkhast and a road passes through the land in question or adjoins it, a minimum width of half a chain on either side from the middle line of the road should always be reserved for the road and should not be assigned to the darkhastdar but should be transferred to road poramboke and vested in the Local Board. Until that has been done, the area within half a chain from the centre of the road remains, like the rest of the waste land within the wargdar's kumaki limits, Government assessed waste; and the exercise of kumaki privileg over it will not ordinarily be interfered with so long as the land remains Government assessed waste. Occupation of any par of this area by a person other than the wargdar who possesses the kumaki privileges or by that wargdar otherwise than in the exercise of his kumaki privileges is, however, objectionable an should be dealt with by the method of eviction prescribed in section 6 of the Land Encroachment Act III of 1905. Even if s areas are walled in and the forest growth thereon is conserved they cannot be assigned as a matter of course if they are required for road purposes. The kumakidar has no absolute rig to have them assigned on patta and they should not be assigned without the permission of the Collector and without consulting the Local Board concerned.

3. The chief object of the reservation of a minimum width of one chain for a road is to make land available for widening the road when necessary. That object will be frustrated if th

Local Fund Department in which the roads are vested is not consulted since its need which is a public one must predominate over the need of a private individual like the kumakidar. As the kumakidar cannot legally claim a patta for kumaki land the Local Fund Department should be consulted as to whether encroachment on kumaki land within the marginal limit referred to may be assigned.